

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN L. SCOTT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45035

FILED

JUN 16 2005

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK


This is a proper person appeal from a purported decision of the district court to deny a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.

This court's preliminary review of the documents before it revealed a potential jurisdictional defect. Specifically, it appeared that the district court had not made a decision, oral or written, on appellant's petition at the time he filed the notice of appeal. This court directed the State to file a response indicating whether the district court had in fact denied the petition at the time appellant filed his notice of appeal. The State has filed a response indicating that the petition had not been denied at the time appellant filed his notice of appeal, but that the petition was subsequently denied.


We conclude that we lack jurisdiction over this appeal. The district court had not made a decision, oral or written, on appellant's petition at the time he filed his notice of appeal. Thus, appellant's notice of appeal was premature, and we dismiss this appeal without prejudice to appellant's right to file a timely appeal from a final, written order denying

his petition.¹ Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.²


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. John S. McGroarty, District Judge
Steven L. Scott
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

¹See NRS 34.575; NRAP 4(b).

²On June 3, 2005, appellant submitted a notice of appeal and petition for a writ of habeas corpus in this matter. A notice of appeal and a petition for a writ of habeas corpus must be filed in the district court in the first instance. See NRS 34.738(1); NRAP 4(b)(1).